

REMARKS

Claims 1, 3-5, 7-16, and 18-19 are in the application. By this amendment, Claims 1, 3-4, 6, 16, and 18-19 are amended and Claims 2 and 17 are cancelled. Claims 7-15 have been indicated by the Examiner as being allowable. Claim 6 has been amended to remove a typographical redundancy.

Claims 2-5, 17 and 18 are objected to as being dependent upon rejected based claims but were indicated as being allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. As a result, Claim 1 has been amended by incorporating the substance of Claim 2 therein, and Claim 16 has been amended by incorporating the substance of Claim 17 therein. As a result, Claims 1, 3-5, 16 and 17 are now allowable and should be passed to issue. Such action is earnestly solicited.

Claim 19 has been amended as well, by adding the limitations that the torque output of the engine is inferred based at least in part on not only the compression ratio operating state of the engine, but also upon engine speed and air flow. As such Claim 19 contains the engine operating parameter of limitations now contained in Claim 1 and is also in condition for allowance and should be passed to issue. Such action is earnestly solicited.

Dykema Gossett PLLC

By: 

Jerome R. Drouillard
Registration No. 28,008
2723 South State Street, # 400
Ann Arbor, MI. 48104
(734) 214-7670

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CERTIFICATE OF MAILING

I hereby certify that the enclosed Amendment is being faxed via (703) 872-9306 to Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 18th day of October, 2004.


Shirley L. Goodman

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